

services, with the groups specified at §255.3(h).

(k) In States where Tribal entities are directly funded to operate a JOBS program, a description of how the State will provide child care services for JOBS participants served by those Tribal entities.

(l)(1) A description of the State's procedures for ensuring that center-based care will be subject to State and local requirements designed to ensure basic health and safety, including fire safety, protections; or

(2) A plan for developing such procedures.

§255.2 Eligibility.

(a) The State IV-A agency must guarantee child care for a dependent child who is: under age 13; physically or mentally incapable of caring for himself or herself, as verified by the State based upon a determination by a physician or a licensed or certified psychologist; or under court supervision (and for a child who would be a dependent child except for the receipt of benefits under Supplemental Security Income under title XVI or foster care under title IV-E), to the extent that such child care is necessary to permit an AFDC eligible family member to—

(1) Accept employment or remain employed; or

(2) Participate in an approved education or training activity under JOBS (including self-initiated education or training pursuant to §250.48(a)), or in approved education or training consistent with criteria in the State's Supportive Services plan for approval of education or training in non-JOBS areas.

(b) The guarantee under paragraph (a) also applies to Tribal members who are subject to participation requirements under subpart J of part 250, consistent with the requirement in paragraph (f).

(c)(1) The State IV-A agency must provide, pay for, or reimburse transportation and other work-related expenses (including work-related supportive services) which it determines are necessary to enable an individual to participate in approved JOBS activities under part 250, including self-initiated

education or training pursuant to §250.48(a)).

(2)(i) The State agency may provide, pay for, or reimburse transportation and other work-related expenses (including work-related supportive services) which it determines are necessary to enable a recipient to participate in approved education or training in non-JOBS areas;

(ii) Approval of education and training for necessary supportive services in non-JOBS areas must be consistent with criteria established in the Supportive Services plan.

(3)(i) The State agency may provide, pay for, or reimburse one-time, work-related expenses which it determines are necessary for an applicant or recipient to accept or maintain employment.

(ii) The State IV-A agency may approve these expenses through the JOBS program or, in non-JOBS areas, through procedures established in accordance with §255.1(d)(2).

(d) The State IV-A agency may provide for child care and other necessary supportive services for an individual who is waiting to enter an approved education, training, or JOBS component or employment:

(1) For a period not to exceed two weeks; or

(2) For a period not to exceed one month where child care (or other services) arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

(e) The State IV-A agency must provide child care and supportive services necessary:

(1) For applicants to participate in job search pursuant to §250.60; and

(2) For applicants and recipients to participate in other approved activities to prepare them for participation in the JOBS program.

(f) The State IV-A agency must make child care services available to applicants and recipients who are participating in a JOBS program operated by an Indian Tribe or Alaska Native organization, pursuant to §§250.94 and 250.95. Child care services, which are also appropriate in meeting any special needs of Tribal participants, must be made available on an equitable basis. To the extent it is appropriate, the

same range of reimbursement methods must be available to Tribal JOBS participants as are available to participants in the State JOBS program.

(g)(1) The State IV-A agency must inform families requesting child care under this part of their rights and responsibilities.

(2) The State IV-A agency must respond to a request for child care under this part within a reasonable period of time.

(h) AFDC applicants and recipients are entitled to hearings under the provisions of §§205.10 or 250.36, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce assistance under this part. However:

(1) Changes in the manner of payment are not subject to timely notice requirements unless they result in a discontinuation, suspension, reduction, or termination of benefits, or they force a change in child care arrangements; and

(2) The provisions of §205.10(a)(6) regarding aid paid pending a hearing do not apply.

§255.3 Methods of providing child care and other supportive services.

(a) The State IV-A agency may use any of the following methods for guaranteeing the availability of child care:

- (1) Providing the care directly;
- (2) Arranging the care through providers by use of purchase of service contracts or vouchers;
- (3) Providing cash or vouchers in advance to the caretaker relative in the family;
- (4) Reimbursing the caretaker relative in the family;
- (5) Arranging with other agencies and community volunteer groups for non-reimbursed care;
- (6) Using the child care disregard as provided in §233.20(a)(11)(i); or
- (7) Adopting such other arrangements as the State IV-A agency deems appropriate.

(b) In arranging for child care, the State IV-A agency must take into account the individual needs of the child, including the reasonable accessibility of the care to the child's home and school, or caretaker's place of employ-

ment or training (based on normally accepted standards in the community or State), and the appropriateness of the care to the age and special needs of the child.

(c) If more than one type of child care is available, e.g., center, group family care, family day care or in-home care, the caretaker relative must be provided an opportunity to choose the arrangement. The State IV-A agency may select the method of payment under paragraph (a).

(d)(1) An individual required to participate under part 250 may refuse available appropriate child care as determined by the State IV-A agency, if she can arrange other child care or can show that such refusal will not prevent or interfere with participation in approved education or training activities (including JOBS) or employment.

(2) The State IV-A agency must establish at least one method by which self-arranged child care can be paid.

(e)(1) If a State IV-A agency chooses to meet the cost of child care through a method other than use of the child care disregard at §233.20(a)(11)(i), the State IV-A agency must then determine AFDC eligibility and payment amount without this disregard, except for families described in paragraph (e)(2) of this section.

(2) In the case of a family which was receiving AFDC on October 13, 1988, based on application of the child care disregard at §233.20(a)(11)(i) or through the provision of special needs, if such a family would be disadvantaged as a result of meeting the cost of child care through another method which does directly affect AFDC eligibility, the State must determine the family's AFDC eligibility and payment (including child care needs), as if the method of provision which was applicable on October 13, 1988, is still in effect.

(f)(1) For cases subject to retrospective budgeting, the State IV-A agency has the option to meet the cost of child care directly for the first one or two months of employment and then to apply the child care disregard at §233.20(a)(11)(i) to offset income received in those initial one or two months in determining the AFDC payment for the corresponding payment